



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Truetech, Inc.

File: B-232407

Date: September 20, 1988

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### DIGEST

By awarding a contract, an agency has determined that the awardee is a responsible prospective contractor. The General Accounting Office will not review a challenge to that determination absent a showing of possible fraud or bad faith on the part of the contracting officials or an allegation of misapplication of definitive responsibility criteria that were contained in the solicitation.

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### DECISION

Truetech, Inc., protests the award of a contract to Bioscientific Corp. under solicitation No. DLA400-88-B-1168, issued by the Defense Logistics Agency for the procurement of chlorination kits.

We dismiss the protest.

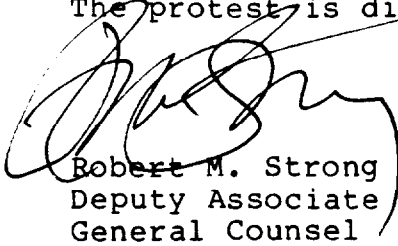
Truetech charges that Bioscientific does not have the facilities, equipment, or managerial and technical ability to do the work required by the contract. Truetech further charges that because of its lack of equipment and technical ability, Bioscientific will have to subcontract over 50 percent of the cost of the work on the contract. Federal Acquisition Regulation § 52.219-14(b) requires that the company awarded a supply contract as a small business set-aside must perform at least 50 percent of the cost of manufacturing the required supplies itself.

By awarding a contract, an agency has determined that the awardee is a responsible prospective contractor. See Nishimatsu Construction Co., Ltd., B-229524, B-229526, Nov. 6, 1987, 87-2 CPD ¶ 462. Truetech's allegations challenge the Defense Logistic Agency's determination that Bioscientific is a responsible prospective contractor. Our Office will not review an affirmative determination of

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responsibility absent a showing of possible fraud or bad faith or misapplication of definitive responsibility criteria. See Nishimatsu Construction Co., Ltd., B-229524, B-229526, supra. None of these exceptions are applicable here.

The protest is dismissed.



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